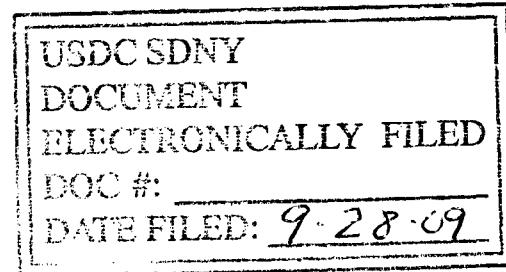


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
 GREGGORY A. MITCHELL, :
 :
 :
 Plaintiff, : 07 Civ. 285 (JSR)
 :
 :
 -v- : ORDER
 :
 :
 MICHAEL J. ASTRUE, Commissioner of :
 Social Security, :
 :
 Defendant. :
 -----x
 JED S. RAKOFF, U.S.D.J.



On July 16, 2008, the Honorable Debra Freeman, United States Magistrate Judge, issued a Report and Recommendation ("Report") in the above-captioned matter recommending that defendant's motion for judgment on the pleadings be denied and that plaintiff's motion for judgment on the pleadings be granted to the extent that this matter be remanded to the Commissioner of Social Security ("Commissioner") for further proceedings consistent with the Report.

Neither party has filed any objection to the Report, and, for that reason alone, the parties have waived any right to further appellate review. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir. 2000). Accordingly, the Court hereby adopts the Report, and, for the reasons stated therein, denies defendant's motion for judgment on the pleadings, grants plaintiff's motion for judgment on the pleadings to the extent set forth in the Report, and remands this case to the Commissioner for further proceedings as described in the Report.

The Clerk of the Court is ordered to close the case.

SO ORDERED.

Dated: New York, NY
September 25, 2009



JUDD S. RAKOFF, U.S.D.J.